

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION**

**MDL No. 2002
Case No: 08-md-02002**

**THIS DOCUMENT APPLIES TO:
ALL DIRECT ACTION PLAINTIFFS**

**[PROPOSED] STIPULATION MODIFYING
CASE MANAGEMENT ORDER NO. 25 (ECF NO. 1852)**

WHEREAS, on March 5, 2019 the Court entered Amended Case Management Order (“CMO”) No. 25 (ECF No. 1852), setting forth a pretrial schedule and deadlines for trial of the Direct Action Plaintiffs;

WHEREAS, Paragraph I.B.1. of CMO 25 directs the Parties to develop and agree upon a schedule for, among other things, additional pretrial milestones, including proposed witness and exhibit lists, deposition designations, proposed stipulations and uncontested facts.

WHEREAS, the parties have met and conferred in accord with Paragraph I.B.1 of CMO 25 and have agreed, subject to the Court’s approval, to make certain additions and modifications to CMO 25. The parties agree that the following additions and modifications to CMO 25 will aid them in preparing their cases for an efficient and orderly trial. These proposed additions and modifications are: (i) the time to exchange objections to exhibit lists and witness lists shall be extended from July 26 to August 23, 2019; (ii) the Parties shall exchange lists of documents which they consider to meet the criteria of a “business record” pursuant to Fed R. Evid. 803(6) on or before August 23, 2019; (iii) the Parties shall respond to the proposed lists of “business records” by September 6, 2019; (iv) the parties shall submit to the Court disputed designations of “business records” by September 13, 2019; (v) the exchange of proposed stipulation and uncontested facts

shall be extended from June 14 to September 13, 2019; (vi) the parties shall exchange counter-stipulations and responses to proposed stipulations on or before September 20, 2019; and (vii) the submission of voir dire questions, jury instructions, verdict forms, and joint statement of the case shall be extended from September 20 to September 27, 2019.

WHEREAS, all other deadlines set forth in CMO 25 shall remain; the following chart sets forth the milestones and associated deadlines from CMO 25 as supplemented and modified by this stipulation and proposed order.

Pretrial Schedule

PRE-TRIAL EVENTS	DATES
Parties exchange proposed witness & exhibit lists and deposition designations	Friday, June 14
Parties file Motions <i>in limine</i> on or before	Friday, July 12
Parties exchange objections to designations and Counter-designations	Friday, July 26
Parties exchange objections to witness and exhibit lists	Friday, August 23
Parties shall file responses to motions <i>in limine</i> , if any, on or before	Friday, August 9
Parties exchange list of documents which they consider to meet the criteria of a “business record”	Friday, August 23
Oral argument on the motions <i>in limine</i> at 10:00 a.m.	Thursday, September 5
Parties exchange response to list of documents seeking designation as a “business record”	Friday, September 6
Proposed stipulations and uncontested facts	Friday, September 13
Parties submit disputed “business records”	Friday, September 13
Parties exchange counter-stipulations/responses to proposed stipulations	Friday, September 20
Parties exchange drafts of Pre-trial Order	Friday, September 27
Parties file proposed: (a) voir dire questions; (b) jury instructions;	Friday, September 27

PRE-TRIAL EVENTS	DATES
(c) verdict forms and; and (d) a joint statement of case	
Parties submit a Final Pretrial Order in accord with Local Rule 16.1(d)(2)	Friday, October 11
Final pre-trial conference at 10:00 a.m.	Thursday, October 17
Liability trial begins at 9:30 a.m.	Monday, October 31
Damages trial begins at 9:30 a.m.	Monday, December 9

IT IS HEREBY STIPULATED AND AGREED:

Date: April 9, 2019

Respectfully submitted,

<u>/s/ <i>Jay L. Levine</i></u> Donald M. Barnes Jay L. Levine PORTER, WRIGHT, MORRIS & ARTHUR, LLP 1900 K Street, NW, Suite 1110 Washington, D.C. 20006-1110 Tel: (202) 778-3056 Fax: (202) 778-3063 Email: dbarnes@porterwright.com jlevine@porterwright.com	<u>/s/ <i>Jan Levine</i></u> Jan P. Levine Robin P. Sumner 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 Tel: (215) 981-4000 Fax: (215) 981-4750 Email: levinej@pepperlaw.com sumnerr@pepperlaw.com
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<p><u>/s/ Steven Bizar</u> Steven Bizar DECHERT LLP Cira Centre 2929 Arch Street Philadelphia, PA 19104-2808 Tel.: (215) 994-2205 Fax: (215) 655-2205 Email: steven.bizar@dechert.com</p> <p><i>Counsel for R.W. Sauder</i></p>	<p><u>/s/ William J. Blechman</u> William J. Blechman, Esquire KENNY NACHWALTER, P.A. 1441 Brickell Avenue Suite 1100 Miami, Florida 33131 Tel: (305) 373-1000 Fax: (305) 372-1861 E-mail: wblechman@knpa.com</p> <p><i>Liaison Counsel for Direct Action Plaintiffs</i></p>
<p><u>/s/ William Greene</u> William Greene, Esquire STINSON LEONARD STREET LLP 150 South Fifth Street Suite 2300 Minneapolis, MN 55402 Tel.: (612) 335-1568 Fax: (612) 335-1657 Email: William.greene@stinson.com</p> <p>Carrie C. Mahan WEIL, GOTSHAL & MANGES LLP. 2001 M Street NW, Suite 600 Washington, D.C. 20036 Tel: (202) 682-7231 Fax: (202) 669-9179 E-mail: wblechman@knpa.com</p> <p><i>Counsel for Michael Foods</i></p>	

IT IS SO ORDERED:

GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

DATE: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the [PROPOSED] STIPULATION MODIFYING CASE MANAGEMENT ORDER NO. 25 (ECF NO. 1852) was served via ECF on Counsel of record.

Date: April 9, 2019

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